



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*

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## MEMORANDUM

**TO:** Directors, Exceptional Children Program  
Coordinators/Lead Administrators, Charter Schools  
State-Operated Program Directors  
Superintendents, Local School Agency

**FROM:** Sherry H. Thomas, Director  
Exceptional Children Division

### **WARNING LISTS FOR SIGNIFICANT DISPROPORTIONALITY**

The December 19, 2016 Equity in IDEA regulation on significant disproportionality requires the examination of data to determine if significant disproportionality based on race and ethnicity is occurring as described under §300.646(a)(1)(2)(3). The determination must be made with respect to 1) the identification of students with disabilities, including specific disability categories; 2) the placement of students with disabilities in particular educational settings; and 3) the incidence, duration and type of disciplinary actions.

Local educational agencies (LEAs) were notified in a recent memorandum of those identified as having significant disproportionality in each of the three areas examined and the requirement to reserve federal funds to provide comprehensive coordinated early intervening services (CEIS) to serve children in the identified LEAs. The memorandum also indicated that notification of LEAs receiving a warning (the potential to have significant disproportionality in future years), in any of the three areas examined, would be sent separately.

Enclosed are: 1) **the lists of LEAs that are receiving a warning for the potential to have significant disproportionality in future years, in any of the three areas examined**; and 2) the process steps/criteria used for making determinations regarding significant disproportionality (identification, placement and discipline). LEAs receiving a warning may choose to use an amount up to 15 percent of the total LEA IDEA federal funds for 2020-21 (611 funds and 619 funds) to provide comprehensive coordinated early intervening services. If an LEA chooses to provide CEIS, the amount elected will be reallocated from PRC 60 to PRC 70 and an implementation plan must be included in the LEA's IDEA Part B (611) Grant application for FY 2020-21.

In accordance with §300.226(a), while LEAs may elect to provide CEIS to children K-12 who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment, the regulations strongly encourage these services to be provided to children K-3. LEAs that choose to provide CEIS must maintain documentation of the number of children who receive CEIS during SY 2020-21 and subsequently receive special education and related services in SY 2020-21, 2021-22 or 2022-23.

In our collaborative effort to address the potential to have significant disproportionality in future years, the Division supports your efforts to address the academic and behavioral needs of at-risk students. For questions about warning list determinations please contact Nancy Johnson at [ntjohnso@uncc.edu](mailto:ntjohnso@uncc.edu) or 984-236-2601 or Matt Hoskins at [matt.hoskins@dpi.nc.gov](mailto:matt.hoskins@dpi.nc.gov) or 984-236-2552. For questions about CEIS and permissive use of funds, please contact Amanda Byrd at [amanda.byrd@dpi.nc.gov](mailto:amanda.byrd@dpi.nc.gov) or 984-236-2597 or your regional coordinator.

SHT/NTJ/na

Enclosure

c AS/MH/AB/CAH/RCs

**EXCEPTIONAL CHILDREN DIVISION**

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